

THE HONORABLE TANA LIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PACIFIC WATER TECHNOLOGY
LLC et al.,

Plaintiff(s),

v.

RYAN R WEAR et al.,

Defendant(s).

No. 2:24-cv-01164-TL

STIPULATION AND ORDER
CONTINUING STATE COURT
TEMPORARY RESTRAINING ORDER AS
TO RYAN WEAR AND ELIZABETH
SWAIN

NOTING DATE: September 27, 2024

STIPULATION

Plaintiffs in this action (the “Pacific Parties”), by and through their undersigned counsel, and Defendants Ryan Wear and Elizabeth Swain (“Wear and Swain Parties”), by and through their undersigned counsel, respectfully Stipulate as follows:

1. On April 16, 2024, the Pacific Parties initiated the state court action captioned as *Pacific Water Technology, LLC et al v. Ryan Wear et al.*, Case No. 24-2-2887-31 (the “Pacific Parties Action”) in Snohomish County Superior Court against a number of Defendants including the Wear and Swain Parties. Dkt. 17, Ex. 1.

2. On April 26 2024, Pacific Parties obtained a Temporary Restraining Order (“April 26 TRO”) enjoining the Defendants in the Pacific Parties Action, including the Wear and Swain Parties, from dissipating assets and from engaging in transactions outside the

1 ordinary course of business. Dkt. 17, Ex. 3. Pacific Parties deposited the \$20,000 bond with the
2 Snohomish County Superior Court clerk on April 30, 2024.

3 3. On July 12, 2024, Snohomish County Superior Court entered a stipulated order
4 continuing the aforementioned TRO, as amended, through the following date: August 30, 2024.

5 4. On August 1, 2024, First Fed, who at that time had been made a defendant in the
6 Pacific Parties Action, filed a disputed Notice of Removal in the Pacific Parties Action (“August
7 1 Notice of Removal”). Dkt. 1.

8 5. On August 23, 2024, King County Superior Court entered an Order Granting
9 Motion to Amend Appointing Order and for Other Relief in the matter *In re Receivership of*
10 *Creative Technologies, L.L.C.* (“Creative Receivership”), expanding that receivership to
11 include two additional defendants in this matter: Defendant Refreshing USA, LLC and Water
12 Station Management, LLC (“Management Order”). The Management Order is not directed at
13 the Wear and Swain Parties in their individual capacities.

14 6. On September 30, 2024, the Hon. Judge Tana Lin entered the undersigned
15 parties’ Stipulated Order Continuing State Court Temporary Order as to Wear and Swain
16 Parties, continuing the April 26 TRO through October 30, 2024, and setting a due date of
17 October 3, 2024 for the Pacific Parties to file a Motion for Preliminary Injunction.

18 7. Since then the undersigned parties and other interested stakeholders have been
19 actively engaged in negotiations regarding resolution of various issues between the parties.

20 8. Pursuant to 28 U.S.C. § 1450, “[a]ll injunctions, orders, and other proceedings”
21 entered prior to removal in any action removed to federal court “shall remain in full force and
22 effect until dissolved or modified by the district court.”

23 9. The parties to this Stipulation have agreed to the continuation of the April 26
24 TRO, as amended, through November 29, 2024. This Stipulation does not prejudice Pacific
25

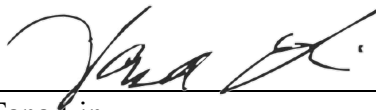
Parties' rights to seek remand to Snohomish County Superior Court.

Now, therefore, the undersigned parties stipulate to entry of the following order affirming their agreement to continue the TRO as to the Wear and Swain Parties until November 29, 2024.

STIPULATED ORDER

Pursuant to the parties' stipulation, it is so ordered. The April 26 TRO, as amended, shall be continued through November 29, 2024 as to Ryan Wear and Elizabeth Swain. Pacific Parties may file any Motion for Preliminary Injunction by November 4, 2024. The Wear and Swain Parties reserve all defenses.

DATED this 30th day of September, 2024.



Tana Lin
United States District Court Judge

STIPULATED AND PRESENTED this 27th day of September, 2024, by:

CORR CRONIN LLP

PATRICK L. VAIL PLLC

s/ John T. Bender

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Counsel for Defendants Ryan Wear and Elizabeth Swain

CERTIFICATION

I, John Bender, certify that I conferred with counsel for Ryan Wear and Elizabeth Swain by phone and email prior to filing this Stipulation and Order Continuing State Court Temporary Restraining Order and that the parties agreed to continue the April 26 TRO as set forth in this Stipulation and Proposed Order.

Certified and dated this 27th day of September, 2024, by

CORR CRONIN LLP

s/ John T. Bender

John T. Bender, WSBA No. 49658

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Counsel for Pacific Parties

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All parties (if any) shall be served in accordance of the Federal Civil Rules of Procedure.

DATED this 30th day of September, 2024.

s/ Daniella Ordiway
Daniella Ordiway, Legal Assistant